

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/15/23

A Bill

SENATE BILL 355

5 By: Senators Caldwell, J. Petty, J. Bryant
6 By: Representatives Holcomb, J. Moore, Puryear, J. Mayberry
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR CERTAIN REQUIREMENTS RELATED TO
10 STORM SHELTERS FOR EDUCATIONAL FACILITIES UNDER THE
11 ARKANSAS FIRE PREVENTION CODE; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROVIDE FOR CERTAIN REQUIREMENTS
16 RELATED TO STORM SHELTERS FOR EDUCATIONAL
17 FACILITIES UNDER THE ARKANSAS FIRE
18 PREVENTION CODE; AND TO DECLARE AN
19 EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 12, Chapter 13, Subchapter 1, is
26 amended to add an additional section to read as follows:

27 12-13-120. Arkansas Fire Prevention Code.

28 (a) Before January 1, 2025, the Arkansas Fire Prevention Code shall
29 not require an educational facility, also known as a Group E occupancy, to
30 have a storm shelter.

31 (b) Beginning January 1, 2025, the Arkansas Fire Prevention Code
32 shall:

33 (1) Identify the educational facilities, also known as Group E
34 occupancies, that are required to have a storm shelter; and

35 (2) Require that the occupant capacity of a storm shelter for a
36 Group E occupancy be determined by:



1 (A) The total occupant load of the classrooms, vocational
2 rooms, and offices in the Group E occupancy; and

3 (B) For critical emergency operations, the occupant load
4 of the building in which the storm shelter is located.

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6 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. Storm shelters for
7 educational facilities before January 1, 2025.

8 If an educational facility, also known as a Group E occupancy, begins
9 construction for a storm shelter after the effective date of this act, the
10 storm shelter shall comply with the standards stated in Arkansas Code § 12-
11 13-120(b)(2).

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the most recent national and
15 state fire codes created occupancy and load requirements for storm shelters
16 in educational facilities; that some educational facilities had already
17 secured funding for or started building storm shelters before the new
18 occupancy and load requirements were adopted into the Arkansas Fire
19 Prevention Code; that the occupancy and load requirements for storm shelters
20 under the updated version of the Arkansas Fire Prevention Code create an
21 extreme burden on the educational facilities that had already secured funding
22 and started building storm shelters under the previous version of the
23 Arkansas Fire Prevention Code; that to ensure educational facilities can
24 provide adequate storm shelters while maintaining financial soundness, the
25 occupancy and load requirements for storm shelters for educational facilities
26 should be delayed for those storm shelters that are already in process; and
27 that this act is immediately necessary because educational facilities that
28 have already begun the process to build storm shelters face extreme financial
29 hardship that threatens the public peace and safety if they have to delay
30 building a storm shelter until they have the funding to complete a storm
31 shelter under the updated version of the Arkansas Fire Prevention Code.
32 Therefore, an emergency is declared to exist, and this act being immediately
33 necessary for the preservation of the public peace, health, and safety shall
34 become effective on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is
4 overridden, the date the last house overrides the veto.

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/s/Caldwell